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15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 BANK OF AMERICA, N.A.,

18 Case No.: 2:21-cv-00313

19 Plaintiff,

20 **NORTH AMERICAN TITLE
INSURANCE COMPANY'S PETITION
FOR REMOVAL**

21 vs.

22 NORTH AMERICAN TITLE INSURANCE
COMPANY. DOE INDIVIDUALS I through
23 X; and ROE CORPORATIONS XI through
XX, inclusive,

24 Defendants.

25 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEVADA:**

26 **PLEASE TAKE NOTICE** that defendant North American Title Insurance Company
27 ("North American") hereby removes the instant action to the United States District Court for the
28 District of Nevada (the "District Court"), from Nevada's Eighth District Court in and for Clark
County (the "State Court"), pursuant to 28 U.S.C. §§ 1332, 1441(b) and 1446.

1. Plaintiff Bank of America, N.A. as Successor by Merger to BAC Home Loans
Servicing, LP ("Bank of America") first filed this action on February 23, 2021 in the State Court.
Bank of America originally named as a defendant North American. A true and correct copy of the

1 Complaint is attached hereto as **EXHIBIT ONE**.

2 2. This Court has jurisdiction over the instant action pursuant to 28 U.S.C. § 1332(a)
 3 because: (i) this action is a civil action pending within the jurisdiction and territory of the United
 4 States District Court for the District of Nevada; (ii) the action is between citizens of different
 5 states; (iii) the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs;
 6 and (iv) all procedural requirements for removal are met.

7 3. ***There is Complete Diversity of Citizenship Here.*** A corporation is a citizen of the
 8 state where it is incorporated and the state where its principal place of business is located. 28
 9 U.S.C. § 1332(c)(1). Bank of America alleges that North American is a California corporation
 10 with its principal place of business in Florida. (Compl. ¶ 2.) Thus, it is a citizen of California and
 11 Florida. Bank of America has alleged that it is a national banking association charted under the
 12 laws of the United States with its main office in the state of North Carolina. (Compl. ¶ 1.) It is
 13 therefore a North Carolina citizen for purposes of diversity of citizenship. *Wachovia Bank v.*
 14 *Schmidt*, 546 U.S. 303, 319 (2006) (national bank association is citizen of the state where its main
 15 office is located). Thus, there is complete diversity of citizenship between and among the parties.

16 4. ***The Amount in Controversy Exceeds \$75,000.*** The complaint in this action seeks
 17 both monetary and nonmonetary relief. Bank of America contends it is suing on six insurance
 18 policies in a total amount of \$1,174,724.00, and that it is seeking both attorney's fees and punitive
 19 damages. Thus, the amount in controversy exceeds the jurisdictional minimum of the District
 20 Court.

21 5. ***North American Timely Filed This Notice of Removal.*** This action was filed one
 22 day ago. Thus, there can be no dispute that North American timely filed the instant notice of
 23 removal (i.e., within the 30-day period prescribed by 28 U.S.C. § 1446(b)(1), and less than one
 24 year after the action was initiated, as required by 28 U.S.C. § 1446(c)(1)).

25 6. ***Notice to the State Court and All Adverse Parties.*** North American will give
 26 notice of this removal to all adverse parties in the action and to the State Court promptly after the
 27 filing of the instant Notice of Removal, in compliance with the requirements of 28 U.S.C. §
 28 1446(d).

1 7. ***All Pleadings from the State Court Action Have Been Attached.*** The only
2 pleadings from the State Court Action are attached hereto as **EXHIBITS ONE and TWO.**

3 8. ***This Notice Complies with Fed. R. Civ. P. 11.*** This Notice of Removal is hereby
4 signed pursuant to Fed. R. Civ. P. 11(a).

5 9. Accordingly, as North American has complied with all applicable terms of 28
6 U.S.C. § 1446, it hereby removes this action in intervention from the State Court to the District
7 Court, and it hereby requests that further proceedings be conducted in the District Court as
8 provided by law.

9
10 Dated: February 24, 2021

SINCLAIR BRAUN LLP

11
12 By: /s/-Kevin S. Sinclair
13 KEVIN S. SINCLAIR
14 Attorneys for Defendant
15 NORTH AMERICAN TITLE INSURANCE
16 COMPANY